

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

RENE LUEVANO FERRELL,

Defendant.

CRIMINAL FILE NO.

1:14-CR-371-1-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 36] of the Magistrate Judge recommending granting the Respondent's Motion to Dismiss [Doc. 34]. In his Objections to the Report and Recommendation, the Petitioner seems to be making an argument based upon *Johnson v. United States*, 135 S. Ct. 2551 (2015). However, the Petitioner was not sentenced as an Armed Career Criminal and no enhancement for committing a "crime of violence" was imposed. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Respondent's Motion to Dismiss [Doc. 34] is GRANTED. The Petitioner's Motion to Stay [Doc. 33] is DENIED as moot.

SO ORDERED, this 25 day of July, 2018.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge